

## REMARKS

Claims 1-7, 15-19, and 28-35 are pending. The Office action withdraws claims 1-7, 15-19, and 28-35 as being drawn toward a non-elected invention. Thus, Applicant cancels claims 1-7, 15-19, and 28-35 and adds new claims 39-58. Claims 39-58 are drawn toward the elected invention and the following remarks respond to the rejections of claims 1-7, 15-19, and 28-35 under 35 USC §§ 102(a), 102(e), and 103(a) from the Office action dated December 4, 2006 as they relate to the new claims. Applicant respectfully traverses the rejections with respect to the claims with the following remarks.

### Claim rejections

Claims 1-2, 5-7, 15-16, 18-19, 28-29, and 32-35 stand rejected under 35 USC §§ 102(a) & 102(e) as being anticipated by Flynn U.S. Pat. App. 20010023402A1 (hereinafter “Flynn”). Applicant respectfully traverses the rejections with respect to the new claims with the following remarks.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference.<sup>1</sup> Furthermore, the identical invention must be shown in as complete detail as is contained in the claim.<sup>2</sup>

### Independent claim 39

Flynn does not describe, expressly or inherently, all of the limitations of claim 39. Flynn describes a system to gather routing information from the consumer during a transaction at a POS terminal such as an email address and to transmit detailed transaction information to the customer via the email address.<sup>3</sup> Flynn describes a system to gather routing information from the consumer during a transaction at a POS terminal such as an email address and to transmit detailed transaction information to the customer via the email address.<sup>4</sup> In paragraph 35, Flynn also describes the possibility of the

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<sup>1</sup> *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

<sup>2</sup> *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

<sup>3</sup> See Flynn pars. 12-14.

<sup>4</sup> See Flynn pars. 12-14.

consumer contacting the manufacturer to register a product with the detailed transaction information:

...Product purchase information such as date and retailer are included in the detailed transaction data. **Warranty registration could be facilitated through the automatic distribution of this data to the consumer in electronic form. This data could then be forwarded with additional consumer information to the manufacturer of a specific product for the registration of the product for warranty.** This detail data can also be used to reconstruct receipts for returning merchandise to the retailer since the detailed data includes information that would allow the retailer to verify the purchase date and retailer of the original retail transaction.

But Flynn does not describe "...gathering product information associated with the transaction comprising retrieving the product information from a manufacturer associated with the product; and packaging the product information with the electronic receipt to create an aggregated package." Thus, Applicant respectfully requests that claim 39 be allowed.

Dependent claims of claim 39

With regards to dependent claim 43, Flynn does not describe "...gathering product information comprises retrieving the product information from a group of sources comprising the merchant, a bank associated with the purchaser, a manufacturer associated with the product, a manufacturer having accessories associated with the product, and a retailer having accessories associated with the product."

With regards to dependent claim 44, Flynn does not describe "...requesting the product information from the group of sources, the product information comprising data associated with the product, from a category of data of a group of categories comprising warranty information, rebate information, product registration information, follow-on order information, depictions of the product, specifications, manuals, accessories, links to product information, links to manufacturer web sites, links to the merchant's web site, and links to the bank's web site."

Furthermore, as dependents of claim 39, claims 40-45 incorporate the limitations of claim 39. Thus, Flynn does not describe all the limitations of dependent claims and Applicant respectfully traverses the rejections of claims 40-45.

Independent claim 46

As discussed above with respect to claim 39, Flynn describes a system to gather routing information from the consumer during a transaction at a POS terminal such as an email address and to transmit detailed transaction information to the customer via the email address.<sup>5</sup> In paragraph 35, Flynn also describes the possibility of the consumer contacting the manufacturer to register a product with the detailed transaction information:

...Product purchase information such as date and retailer are included in the detailed transaction data. **Warranty registration could be facilitated through the automatic distribution of this data to the consumer in electronic form. This data could then be forwarded with additional consumer information to the manufacturer of a specific product for the registration of the product for warranty.** This detail data can also be used to reconstruct receipts for returning merchandise to the retailer since the detailed data includes information that would allow the retailer to verify the purchase date and retailer of the original retail transaction.

But Flynn does not describe "...an information gatherer to retrieve the product information from a manufacturer associated with the product; and a packager to package the product information with the electronic receipt to create an aggregated package." Thus, Applicant respectfully requests that claim 46 be allowed.

Dependent claims of claim 46

With regards to dependent claim 50, Flynn does not describe "...an information gatherer to retrieve the product information from a group of sources comprising the merchant, a bank associated with the purchaser, a manufacturer associated with the product, a manufacturer having accessories associated with the product, and a retailer having accessories associated with the product."

Furthermore, as dependents of claim 46, claims 47-51 incorporate the limitations of claim 46. Thus, Flynn does not describe all the limitations of dependent claims and Applicant respectfully traverses the rejections of claims 47-51.

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<sup>5</sup> See Flynn pars. 12-14.

Independent claim 52

As discussed above with respect to claim 39, Flynn describes a system to gather routing information from the consumer during a transaction at a POS terminal such as an email address and to transmit detailed transaction information to the customer via the email address.<sup>6</sup> In paragraph 35, Flynn also describes the possibility of the consumer contacting the manufacturer to register a product with the detailed transaction information:

...Product purchase information such as date and retailer are included in the detailed transaction data. **Warranty registration could be facilitated through the automatic distribution of this data to the consumer in electronic form. This data could then be forwarded with additional consumer information to the manufacturer of a specific product for the registration of the product for warranty.** This detail data can also be used to reconstruct receipts for returning merchandise to the retailer since the detailed data includes information that would allow the retailer to verify the purchase date and retailer of the original retail transaction.

But Flynn does not describe "...an information gatherer to retrieve the product information from a manufacturer associated with the product; and a packager to package the product information with the electronic receipt to create an aggregated package." Thus, Applicant respectfully requests that claim 52 be allowed.

Dependent claims of claim 52

With regards to dependent claim 56, Flynn does not describe "...retrieving the product information from a group of sources comprising the merchant, a bank associated with the purchaser, a manufacturer associated with the product, a manufacturer having accessories associated with the product, and a retailer having accessories associated with the product."

Furthermore, as dependents of claim 52, claims 53-58 incorporate the limitations of claim 52. Thus, Flynn does not describe all the limitations of dependent claims and Applicant respectfully traverses the rejections of claims 53-58.

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<sup>6</sup> See Flynn pars. 12-14.

Dependent claims rejected under 35 USC § 103(a)

The Office action further rejected the subject matter related to claims 41, 48, and 54 under 35 USC § 103(a) as being unpatentable over Flynn in view of Levchin. And the Office action rejected the subject matter of claims 42 and 55 under 35 USC § 103(a) as being unpatentable over Flynn in view of Horn et al. (US Pat. App. 2002/0156688 A1).

To establish a prima facie case of obviousness, the modification or combination must teach or suggest all of Applicants' claim limitations.<sup>7</sup>

Applicant respectfully traverses the rejections of the independent claims, showing that the independent claims are not anticipated by Flynn as discussed above. Because the 35 USC § 103(a) rejections are predicated upon anticipation of independent claims 39, 46, and 52, Applicant traverses these rejections also. Thus, Applicant respectfully requests that the rejection of these dependent claims be withdrawn and they be allowed.

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<sup>7</sup> *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

CONCLUSION

Applicant respectfully traverses the rejections in light of the cited references under 35 USC §§ 102 and 103. Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the Office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Thus, Applicant requests that the rejections be withdrawn, pending claims be allowed, and application advance toward issuance. If the Examiner does not believe that the claims are in condition for allowance, the undersigned attorney requests a telephone conference at (512) 391-4913.

No other fees are believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 09-0447 for any such required fee.

Respectfully submitted,

July 25, 2007

Date

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